

Remarks:

Claims 1 and 6-41 are pending the present application, claims 6 has been amended, and claims 11, 13, 15, 18, 19, 24 and 30-41 have been withdrawn from consideration, leaving Claims 1, 6-10, 12, 14, 16-17, 20-23, and 25-29 for consideration upon entry of the present Amendment.

Claim 6 has been amended to provide proper antecedent basis.

In this Office Action, the Examiner stated that the reply filed on December 18, 2007 was not fully responsive to the prior Office Action because the Applicant has not provided a proper election for species A. (Office Action dated 3/26/2008, page 1) The Examiner stated:

The restriction requirement of August 16, 2007 stated that applicant could select a specific combination of ingredients from species A, *i.e.* the ingredients listed in claim 1. Applicant has amended the claims to require that a combination of ingredients is required for claim 1; however, applicant only elected one ingredient for examination. Logically, to select species in scope with the amended claims, applicant should have selected a specific combination of at least two ingredients in order to fulfill the requirement for species A. Thus, by only electing one ingredient, the reply is non-responsive. An example of a proper election would be to select cryptotanshinone and thanshinone IIA for species A. *See* 37 CFR 111.”

(Office Action dated 3/26/2008, page 1) Therefore, in response to the present Office Action, Applicant is required to select a specific combination of at least two ingredients from species A, *i.e.*, cryptotanshinone, tanshinone IIA, tanshinone I and 15,16-dihydrotanshinone I.

Applicants herein provisionally elect, **with traverse**, “cryptotansinone and thanshinone IIA” from species A. Applicants submit that elected Species A, comprising a combination of at least cryptotansinone and thanshinone IIA encompasses claims 1, 6-10, 12, 14, 16-17, 20-23, and 25-29. This election is being made without prejudice to Applicants’ rights with respect to the other groups, including the right to file divisional applications thereon.

Applicants election is made with **traverse** for the following reasons. Claim 1 is directed to a composition for preventing or treating obesity and metabolic syndrome diseases. Further, claim 1 recites the limitation, “wherein the Danshen extract comprises two or more compounds selected from the group consisting of cryptotanshinone, tanshinone IIA, tanshinone I and 15,16-dihydrotanshinone I”.

Thus, Applicants respectfully submit that claim 1 is intended to define that the distinguishable feature of the present invention is directed to a mixture (composition) of two or more compounds from the specific compounds identified in claim 1. Such a mixture shows a significant synergistic effect, which is supported by the Specification at page 14, lines 6-12 and Figures 17-19 showing the experimental results. For convenience, Applicants have reproduced page 14, lines 6-12 of the Specification below.

More surprisingly, the present inventors have confirmed that enhancement effects of cryptotanshinone, tanshinone IIA, tanshinone I and 15,16-dihydrotanshinone I on AMPK activity is significantly increased by combinational use of two or more of these compounds. Such a significant synergistic effect was not totally predicted and it was also confirmed that such effect was exhibited, regardless of kinds of those four tanshinone derivatives. Therefore, among combinations of the above-mentioned compositions, compositions (v) through (viii) are particularly preferred.

Accordingly, Applicants respectfully submit that the present invention must be understood to be directed to composition comprising two or more compounds selected from the group consisting of cryptotanshinone, tanshinone IIA, tanshinone I and 15,16-dihydrotanshinone I.

Prosecution on the merits is respectfully requested. Consideration and allowance of Claims 1, 6-10, 12, 14, 16-17, 20-23, and 25-29 are also requested. The foregoing is believed to be fully responsive to this office action.

If there are any additional charges with respect to this Amendment or otherwise,
please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

CANTOR COLBURN LLP

By__/Ian J.S. Lodovice/____
Ian J.S. Lodovice
Registration No. 59,749

Date: April 24, 2008
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No.: 23413